

for-training for the purpose of basic training will be ordered to that duty as Reserves of the Army or of the Air Force, as appropriate.

(h) *Advanced individual training.* In order to assure a high level of quality among Reserve enlisted personnel and to achieve and maintain a high level of operational readiness of units of the Selected Reserve, National Guard and Reserve enlistees who require advanced individual training in specific military skills to qualify them for filling unit assignments in the Selected Reserve will be provided such training following completion of their basic training.

(i) The Military Departments will program and budget for advanced individual training capabilities sufficiently to fulfill the individual training requirements of National Guard and Reserve units on a priority consistent with mobilization missions assigned.

(2) Personnel enlisted under subsections (a) or (d) of 10 U.S.C. 511, who have received such advanced training will be required to agree to actively participate in the Selected Reserve for the duration of their statutory obligation.

[35 FR 1290, Jan. 31, 1970, as amended at 35 FR 12654, Aug. 8, 1970]

§ 132.4 Implementation.

In the interest of maintaining reasonable uniformity and equity among the reserve enlistment programs of the Military Departments, proposed changes to existing reserve enlistment programs established in conformance with this part and programs proposed for establishment under its provisions will be submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for approval.

PART 142—COPYRIGHTED SOUND AND VIDEO RECORDINGS

Sec.

142.1 Purpose.

142.2 Applicability.

142.3 Policy.

142.4 Procedures.

142.5 Responsibilities.

AUTHORITY: 10 U.S.C. 133.

SOURCE: 49 FR 49452, Dec. 20, 1984, unless otherwise noted.

§ 142.1 Purpose.

This part provides policy, prescribes procedures, and assigned responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

§ 142.2 Applicability.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) This part does not regulate the procurement or use of copyrighted works for authorized official purposes.

§ 142.3 Policy.

(a) It is DoD policy: (1) To recognize the rights to copyright owners by establishing specific guidelines for the use of copyrighted works by individuals within the DoD community, consistent with the Department's unique mission and worldwide commitments, and (2) Not to condone, facilitate, or permit unlicensed public performance or unlawful reproduction for private or personal use of copyrighted sound or video recordings, using government appropriated or nonappropriated-fund-owned or leased equipment or facilities.

(b) Although the policy expressed in this Directive takes into account the copyright law of the United States, the application of that law to specific situations is a matter for interpretation by the U.S. Copyright Office and the Department of Justice.

§ 142.4 Procedures.

(a) Permission or licenses from copyright owners shall be obtained for public performance of copyrighted sound and video recordings.

(b) Component procedures established pursuant to § 142.5, below provide guidance for determining whether a performance is "public." These general principles will be observed:

(1) A performance in a residential facility or a physical extension thereof is not considered a public performance.

§ 142.5

(2) A performance in an isolated area or deployed unit is not considered a public performance.

(3) Any performance at which admission is charged normally would be considered a public performance.

(c) Government audio and video duplicating equipment and appropriated funded playback equipment may not be used for reproduction of copyrighted sound or video recordings.

§ 142.5 Responsibilities.

Heads of DoD Components shall establish procedures to comply with this Directive and shall provide necessary local guidance and legal interpretation.

PART 143—DoD POLICY ON ORGANIZATIONS THAT SEEK TO REPRESENT OR ORGANIZE MEMBERS OF THE ARMED FORCES IN NEGOTIATION OR COLLECTIVE BARGAINING

Sec.

143.1 Reissuance and purpose.

143.2 Applicability and scope.

143.3 Policy.

143.4 Prohibited activity.

143.5 Activity not covered by this part.

143.6 Responsibility.

143.7 Definitions.

143.8 Guidelines.

AUTHORITY: 10 U.S.C. 801-940; and 10 U.S.C. 976.

SOURCE: 45 FR 84055, Dec. 22, 1980, unless otherwise noted.

§ 143.1 Reissuance and purpose.

This rule is reissued to reflect revisions in policies and procedures for organizations whose objective is to organize or represent members of the Armed Forces of the United States for purposes of negotiating or bargaining about terms or conditions of military service. The policies and procedures set forth herein are designed to promote the readiness of the armed forces to defend the United States. The part does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on, military installations; nor does it modify or diminish the obligations of commanders and supervisors under 5 U.S.C. 7101-7135 with respect to

32 CFR Ch. I (7-1-98 Edition)

organizations representing DoD civilian employees.

§ 143.2 Applicability and scope.

(a) The provisions of this part apply to:

(1) Department of Defense Components, which include the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies;

(2) All military and civilian personnel of the Department of Defense; and

(3) Individuals and groups entering, using, or seeking to enter or use military installations.

(b) This part does not limit the application of the Uniform Code of Military Justice title 10 U.S.C., sections 801-940 or 10 U.S.C. 976 including the prohibitions and criminal penalties set forth therein with respect to matters that are the subject of this part or that are beyond its scope.

§ 143.3 Policy.

It is the policy of the United States under Public Law 95-610 that:

1. Members of the armed forces of the United States must be prepared to fight and, if necessary, to die to protect the welfare, security, and liberty of the United States and of their fellow citizens.

2. Discipline and prompt obedience to lawful orders of superior officers are essential and time-honored elements of the American military tradition and have been reinforced from the earliest articles of war by laws and regulations prohibiting conduct detrimental to the military chain of command and lawful military authority.

3. The processes of conventional collective bargaining and labor-management negotiation cannot and should not be applied to the relationships between members of the armed forces and their military and civilian superiors.

4. Strikes, slowdowns, picketing, and other traditional forms of job action have no place in the armed forces.

5. Unionization of the armed forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the armed forces.

6. The circumstances which could constitute a threat to the ability of the armed forces to perform their mission are not comparable to the circumstances which could